IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 21911 of 2000

Between:

1 Madavarapu Venkata Rao, S/o. Ramanna,
Kakinada, East Godavari District.
2 Yenni Surya Rao, S/o. Yenni Narasimhulu,
Card.no. 262895, Kothapeta, Rajahmundry.
3 Yerubandi Chinapullaiah, S/o. Desayya,
Card.No. 059373, Vadapalli Village,
Attreyapuram, East Godavari District.
4 Kaki Surya Narayana, S/o. Ramulu,
Card.No. 592496, Bendapurdi,
Thondangi Mandal, East Godavari District.

..... PETITIONERS

AND

1 Government of A.P, Rep by its Commissioner of Civil Supplies,
Ex-Office,Principle Secretary Govt, Dept of Food Civil Supplies and

Consumer affairs, Hyderabad.
2 The Dist Collector, East Godavari District.
3 The Dist Supply Officer, East Godavari Dist, Collectorate,
Kakinada.
4 The Revenue Divisional Officer
Kakinada, East Godavari District.
5 The Revenue Divisional Officer
Peddapuram, East Godavari District.
6 The Revenue Divisional Officer
Amalapuram, East Godavari District.
7 The Sub-Collector,
Rajahmundry, East Godavari District.
8 The Revenue Divisional Officer
Ramphachodavaram, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the G.O.M.S.No. 84, Food, CIvil Supplies and consumer affairs (CS--1) Departmetn, dt. 12.10.2000 as nonest, illegal void and without jurisdiction and consequently direct the respondent and their subordinates including their dealers to supply card holders without insiting for coupons and pass such other orders, or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.BADANA.BHASKARA RAO

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21911 OF 2000

ORDER:

The petitioners are agricultural labourers. They were availing essential commodities including rice from the fair price shops. The Government issued G.O.Ms.No.84 dated 12-10-2000 introducing new system of distribution of rice under A.P.Rice Scheme. Assailing the same, the present writ petition is filed. Be it noted according to the said scheme every cardholder will be given coupons with effect from 01.11.2000 and on production of those coupons, rice will be distributed to them. In this writ petition filed

challenging the G.O.Ms.No.84, it is contended that introduction of coupon system is illegal and arbitrary.

Learned Assistant Government Pleader for Civil Supplies placed reliance on the judgment of this Court in W.P.No.8293 of 1998 dated 27.03.1998. In the said judgment, this Court while considering the system of distributing kerosene by coupon system, rejected the contention. This Court observed:

> In what manner the essential commodities including kerosene are required to be supplied is left to the discretion of the respondents. The Court cannot decide as to which system would be better and how and in what manner the distribution of essential commodities is required to be regulated by the respondents. The Court has no say in such policy matters. Nothing is stated as to in what manner the decision of the respondents suffers from infringement of any constitutional right. Admittedly, no legal right much less any fundamental right of the petitioner is affected. It is not the Court to express any opinion on such policy and to interfere with the same. Any direction from this Court would amount to interfering in day to day administrative decision of the respondents. Such a course is not permissible and the Court has no such power in exercise of its jurisdiction under Article 226 of the Constitution of India. The writ petition fails and it is accordingly dismissed.

The reasoning as above would also apply to validate the policy decision of the Government as found in impugned Government Order. Following the judgment, this writ petition is also dismissed. No costs.

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(V.V.S.RAO,J)

09.06.2005.

pln

To

1 The Commissioner of Civil Supplies, Government of A.P,
Ex-Officio Principle Secretary to Govt, Dept of Food Civil Supplies and

Consumer affairs, Hyderabad.
2 The Dist Collector, East Godavari District.
3 The Dist Supply Officer, East Godavari Dist, Collectorate,
Kakinada.
4 The Revenue Divisional Officer
Kakinada, East Godavari District.

5 The Revenue Divisional Officer
Peddapuram, East Godavari District.
6 The Revenue Divisional Officer
Amalapuram, East Godavari District.
7 The Sub-Collector,
Rajahmundry, East Godavari District.
8 The Revenue Divisional Officer
Ramphachodavaram, East Godavari District.

9 Two CCs to Government Pleader for Civil Supplies, High Court Buildings,

Hyderabad (OUT).

10 2 CD copies

11) 1 CC to MR.BHASKARA RAO